

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.707 of 2013

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The Divisional Manager, United India Insurance Company Ltd.,
Akharaghat, Muzaffarpur

.... Appellant/s

Versus

1. Indu Devi, W/o Late Hriday Narain Prasad
 2. Chandrakali Devi, W/o Late Chandeshwar Sah
 3. Rajesh Kumar, S/o Late Hriday Narain Prasad
 4. Nitesh Kumar, S/o Late Hriday Narain Prasad
 5. Vishal Kumar, S/o Late Hriday Narain Prasad
- All are resident of village Vishunpura, P.S.-Adapur, District- East
Champan Appellants-Respondents
6. Administrator, Bihar State Road Transport Corporation, Patna, Bihar
..... O.P. No. 1 –Respondent
 7. The Divisional Manager, Bihar State Transport Corporation,
Muzaffarpur Division, Muzaffarpur
..... O.P. No. 3- Respondent
- Respondent/s
- =====

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 09-09-2015

Heard the learned counsel for the appellant.

Learned counsel for the petitioner has challenged the judgment and award dated 07.08.2013 passed in Claim Case No. 159 of 2007, whereby the claimant namely Indu Devi and Others have been allowed the compensation.

The Tribunal has awarded the compensation amount of Rs. 8,71,000/-. On account of earlier payment of Rs.50,000/-, the same was adjusted, Tribunal has awarded Rs. 8,21,000/- along with the statutory interest @ 7% from the date of filing of the claim application.

It appears from the record that the victim was

traveling in the demised bus vide Registration No. 05P-0556 from Motihari to Patna. On account of negligent and rash driving the said vehicle turned turtle and fallen in the river Ganga, in which several persons lost their lives including Late Hriday Narayan Prasad.

The Insurance Company challenging the award on the limited ground that the owner has not obtained the road permit for running the said vehicle and as such it is the owner who has to pay the amount, not the Insurance Company. This Court and Hon'ble Supreme Court have repeatedly held that in such a case the Insurance Company would pay the amount and the Insurance Company is at liberty to realize the amount awarded, if it is really a case of plying the vehicle without any valid permit.

With this observation, this petition is dismissed.

(Shivaji Pandey, J)

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